

Application No. 10/605,408  
Docket No. YOR920000707US2  
Amendment dated November 8, 2005  
Reply to Office Action of August 8, 2005

### **REMARKS**

In the Office Action, the Examiner repeated rejections of all claims pending in the application. More particularly, claims 1-21 were rejected under 35 USC §102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0003599 to Yeo et al. (Yeo), claims 1, 6, and 13-16 were rejected under 35 USC §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0014254 to Cohen et al. (Cohen), and claims 22 and 23 were rejected under 35 USC §103 as being unpatentable over Yeo in view of U.S. Patent No. 6,391,695. Favorable reconsideration and allowance of claims 1-23 are respectfully requested in view of the following remarks.

The present application has the identical inventorship and its specification, claims, and drawings are identical to U.S. Patent Application Serial No. 09/823,855 filed August 31, 2001, which issued as U.S. Patent No. 6,603,156 on August 5, 2005, with the exception that the present application is directed to the claims that were restricted from this previous patent, namely, claims 18-40 of the previous application (numbered as claims 1-23 in the present application). Therefore, the invention recited in the claims of the present application was constructively reduced to practice on August 31, 2001 (the filing date of U.S. Patent Application Serial No. 09/823,855).

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Attached is a Rule 131 Declaration of Kern Rim, the sole inventor of both U.S. Patent No. 6,603,156 and the present application. In the Declaration, Mr. Rim Prior sets forth facts that establish that prior to February 7, 2002, he had submitted Disclosure YOR8-2000-0640 which describes the process disclosed and claimed in the present application (as well as the structure disclosed and claimed in U.S. Patent No. 6,603,156).

On the basis of the above, the invention disclosed in the present application was both conceived and constructively reduced to practice before February 7, 2002, pursuant to MPEP 715.

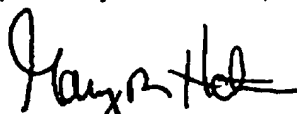
Yeo has a priority date of February 7, 2002, and Cohen has a priority date of December 19, 2002. Both of these dates are later than the date on which the present invention was conceived and later than the date on which the present invention was constructively reduced to practice. As such, Applicant believes that he has successfully sworn behind Yeo and Cohen pursuant to MPEP 715, and respectfully requests withdrawal of the prior art rejections.

Applicant believes that the submission of his Declaration is within the guidelines of 37 CFR §1.116(b), in that the attached Declaration is necessary at this time to respond to the Examiner's explanation that Applicant's response of June 9, 2005, was ineffective in removing Yeo and Cohen as prior art references.

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Should the Examiner have any questions with respect to any matter  
now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,

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Attachment: Rule 131 Declaration of Kern Rim